

Applicants: Heller et al.  
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### REMARKS

The application has been amended. Claim 10 has been amended. Entry of this amendment and reconsideration is respectfully requested.

Independent claim 10 stands rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,741,429 to Donadio, III et al. (hereinafter "Donadio") in view of U.S. Patent No. 5,021,044 to Sharkawy. In view of the amendments presented herewith this determination is respectfully traversed.

The Donadio reference has been discussed at great length during prosecution of this and parent application. Donadio discloses a catheter system including a catheter having a lumen defining an internal diameter of sufficient size to accommodate a dilator or an adaptor which is optionally positionable within the lumen of a catheter member. The Examiner acknowledges that Donadio does not disclose the guidewire having two different diameters, a first external diameter and second external diameter smaller than the first external diameter and the lumen of the adapter defining an internal diameter substantially equal to the external diameter of the guidewire.

The Examiner next contends that Sharkawy fills the alleged deficiencies in Donadio. The Examiner contends that Sharkawy shows a guidewire having one of two different diameters. In

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reviewing Sharkawy and the Examiner's comments, the Examiner is referring to the fact that the single guidewire shown in Sharkawy has a first diameter along its major length and second tapering diameter at the distal end thereof. This is clearly not what is referred to in claim 10 of Applicant's invention. Applicant refers to one of two distinct guidewires. Each of the two distinct guidewires having different diameters along the length thereof. Applicant is not referring to the same guidewire where the single guidewire itself has two different diameters in longitudinal sequence, which is shown in the Sharkawy reference.

Claim 10 clearly recites a guidewire having either of two different external diameters along the length thereof. Thus, while applicant's catheter system only requires one guidewire, the guidewire can be either (but not both) of two different types of guidewires defined by the diameters thereof.

Therefore, neither Donadio nor Sharkawy taken alone or in combination disclose, teach or suggest the arrangement set forth in amended claim 10. Accordingly, it is respectfully submitted that claims 10-18 are patentably distinct over the cited combination.

The Examiner has further rejected claims 1 and 2 under the grounds of non-statutory obviousness type double patenting as being unpatentable over claims 1-2 of U.S. Patent No.

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6,692,482. Upon an indication of otherwise obtaining allowable subject matter, Applicant will file an appropriate Terminal Disclaimer in compliance with 37 C.F.R. §1.321.

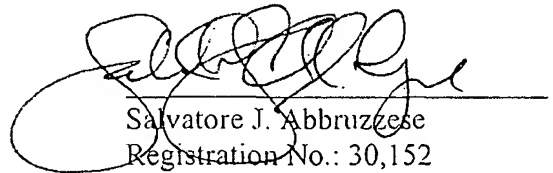
Having responded in full to the present Office Action, it is respectfully submitted that the application is now believed to be in condition for allowance. Favorable action thereon is respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 20-0776. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

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Should the Examiner have any questions regarding this response, the undersigned would be pleased to address them by telephone.

Respectfully submitted,



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